



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

JUL 23 2013

Mr. Robert Dobruskin
Department of City Planning
Environmental Assessment and Review Division
22 Reade Street, 4E
New York, New York 10007

Dear Mr. Dobruskin:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Halletts Point Rezoning Draft Environmental Impact Statement (DEIS), CEQ #20130142. Please find our comments below.

BACKGROUND

The DEIS was prepared by the New York City Planning Commission who is serving as the lead agency for this project. The "Applicant" is Halletts A Development Company, LLC. The Applicant is requesting discretionary approvals that will allow for mixed-use development along the East River in Halletts Point, Astoria, Queens. The New York City Housing Authority (NYCHA) is the co-applicant for a portion of the discretionary approvals being sought.

The development project includes eight building sites, all of which are new construction. Seven of the buildings would be developed as part of the Applicant's proposal. Buildings 1 – 5 are being sited along the East River waterfront and buildings 6 and 7 will be sited on the Astoria House campus, on land sold to the Applicant by NYCHA. Building 8 would not be developed by the applicant but is being included in the DEIS to facilitate development at a future time. It is expected that Building 8 would be developed in the future by an entity designated by NYCHA as a result of a future request for proposals.

Approximately 2.35 acres of publicly accessible waterfront open space would be created, including a waterfront esplanade which would run the length of the site's waterfront. The esplanade would connect Halletts Cove Playground on the south to Whitey Ford Field on the north, creating a continuous view corridor between the existing open spaces.

The purpose of the proposed project is to create market rate and affordable housing units, ground-level retail space and publicly accessible waterfront open space. One of the stated goals of the project is to transform a largely underutilized waterfront property into a "new, enliven mixed-use development." The project will support the city's efforts to provide additional market rate and affordable housing.

COMMENTS

EPA believes that the proposed project, on the whole, will add value by: increasing affordable housing availability; increasing market-rate housing availability; enhancing usage of the waterfront property via the planned esplanade; enhancing retail availability including a supermarket; and by the general enhancement of an underutilized waterfront property. There are a number of ways in which the DEIS can be enhanced as an analytical document and ways in which the project itself can be enhanced to create a truly mixed-use, mixed-socioeconomic community which are discussed below.

Tree Planting Waiver

Page 1-12 of the DEIS states that “the Applicant intends to request a Mayoral Override to waive part of the street tree planting requirements applicable to the proposed project. Under the street tree planting requirements of the Zoning Resolution, street trees would need to be planted along all street frontages of the affected zoning lots. The proposed Mayoral Override would permit trees to be planted only along street frontages adjacent to areas affected by the proposed project.” Page 2 – 8 of the DEIS justifies the decision to apply for the Override by stating that “These additional trees would not materially affect any of the EIS analysis.” EPA disagrees with the decision to request the Mayoral Override and with the assertion that the elimination of the requirement would not affect the EIS analysis.

Increasing the amount of street trees within the Large Scale General Development Area (LSGDA) would help mitigate a number of the impacts associated with the project including air pollution from the construction phase of the project as well as emissions associated with the expected increase in traffic once the project is completed. Trees function as carbon sinks and will reduce the increase CO2 levels expected from increased traffic, thus reducing greenhouse effects associated with the project. Tree roots absorb more storm water than shallow-rooted grass so the trees would result in a reduction in storm water runoff into the East River. Trees save energy and reduce urban heat island effects. The placement of the trees associated with this project would be especially effective at cooling the project area since they would be planted along the street and provide extra shade along the dark, hard road surface, thus reducing the landscape heat load and lowering energy bills associated with cooling in the surrounding buildings. The trees can also help address the noise impacts from the project due to their natural noise absorbing and blocking qualities. Lastly, a continuous path of same-age trees being planted around both the new development area and continuing without interruption along the circumference of the Astoria Housing campus will provide visual continuity between the two development areas, thus more effectively linking them visually and, hopefully, functionally as well.

Low Impact Development

Throughout the DEIS there is a segmented and superficial discussion of stormwater reduction techniques that may be implemented in the development area. A consolidated section addressing stormwater reduction techniques and specifically Low Impact Development (LID) should be included in the Final EIS.

Low Impact Development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing impervious surfaces to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

There are many practices that can be employed to adhere to these principles which could be integrated throughout the project area that would be functional and enhance the visual landscape simultaneously. Examples include bioretention facilities, rain gardens, vegetated rooftops, rain barrels, and permeable pavements. Many LID techniques have the added benefit of making previously underutilized space more accessible. For example, integrating LID techniques on the building rooftops helps offset the impacts from the impervious footprint of the buildings while potentially increasing open space for the residents of the seven buildings. By implementing LID principles and practices, water can be managed in a way that reduces the impact of built areas, lessens the stormwater flow into the East River, and promotes the natural movement of water within an ecosystem or watershed. Applied on a broad scale, LID can maintain or restore a watershed's hydrologic and ecological functions.

Endangered Species and Essential Fish Habitat

The DEIS does not demonstrate communication with the National Oceanic and Atmospheric Administration (NOAA). The lead agency for the project is responsible for ensuring that they have addressed potential impacts to any threatened or endangered species in the East River as a result of the project. A concurrence letter or a Section 10 "No Effect" determination should be made and documented in order to ensure compliance with the Endangered Species Act. Likewise, the lead agency should communicate with NOAA to determine whether or not an Essential Fish Habitat assessment is warranted.

Environmental Justice and Urban Integration

The DEIS contains a misstatement of Executive Order 12898, which, beyond ensuring "greater public participation by low-income and minority populations in the decision-making process" as the DEIS would have the reader believe, actually requires "each Federal agency [to] make achieving environmental justice part of its mission *by identifying and addressing*, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations..." (Italics added for emphasis). Moreover, CEQ's guidance requires that "[a]gencies should recognize that the impacts within minority populations, low-income populations, or Indian tribes may be different from impacts on the general population due to a community's distinct cultural practices." Both the Executive Order and the CEQ guidance anticipate a thorough examination of the environmental impacts of a project on vulnerable populations. The Environmental Justice (EJ) analysis should go beyond a cursory statement, as is the case with the DEIS, that the impacts on these populations are no different from the non-minority populations. The health profile of current Halletts Point residents suggests they possess special vulnerabilities not displayed by the general population of Queens County.

First, area residents exhibit high rates of diabetes, obesity, overweight concerns, and other negative health outcomes associated with lack of exercise; this makes Halletts Point residents especially vulnerable to lack of open space. The proposed project, during both its construction and built period, will significantly reduce the availability and accessibility of open space, especially for active recreation, in the project area. While the DEIS describes mitigation actions to preserve some open space for passive recreation and viewing, open space for active recreation impacts remain unmitigated.

Second, in low-income and minority areas within Halletts Point, the childhood asthma hospitalization rate is as high as 42.9, compared to Queens County's average rate of 33.7 per 10,000 people (Data from New York State Department of Health). The high rates of childhood asthma hospitalization make Halletts Point minority and low-income residents uniquely vulnerable to the impacts of increased traffic congestion and construction air pollution.

Third, because of the health issues herein discussed, Halletts Point residents are also more vulnerable than the general population to construction-related traffic congestion and public safety barriers to accessing neighborhood services such as health and food.

In addition to the health and open space concerns associated with the development project, EPA is concerned that the current development plans will not achieve a sufficient level of urban integration between the new construction and the existing Astoria House campus as is indicated in the DEIS. The development of new, high-end market rate housing next to a NYCHA housing complex is a formula which has occurred in a number of other locations throughout New York City, such as Trump City and Long Island City. In both instances, an underutilized urban space was converted into market rate housing complexes with a variety of associated residential resources as well as enhanced open spaces. In both of those instances, as we expect to occur here, the current and low-income residents of the area do not, in practice, reap the full benefit of the enhanced resources because the new developments do not foster a sense of inclusion. The new development areas do not welcome and include the existing residents. Therefore, EPA feels that steps should be taken to reduce the probability that the same pattern will be followed for this project. Specifically, on a visual level, the spaces should be united. EPA believes that expanding the boardwalk around the Astoria House campus to Vernon Boulevard would visually link the two areas and enhance the flow of pedestrian traffic thus creating a more functionally integrated space.

As a result of the adverse impacts from the reduction in open space, the applicant has been working with the city to establish measures to help mitigate the impacts. EPA feels that mitigation efforts should have the goal of creating a single community within Halletts Point that encourages pedestrian traffic between the Astoria Housing campus and the new development area. This can be established through enhanced walking paths traversing the campuses, a continuation of the esplanade as discussed above, and the use of mandated street trees to link the project area. Additionally, mitigation actions should match the impact caused and the vulnerability of population impacted. NYCHA residents belong to a group of people who are generally much more susceptible to environmental impacts than the general population. The mitigation measures that have already been established since the publication of the DEIS should be included in the FEIS with a specific discussion of how the development will strive to integrate Halletts Point as a single community and address the specific recreational and health needs of the existing residents.

Greater detail should be provided in the Final EIS regarding the type of school that may be built. Similar development projects throughout the city have built schools that accept children by admission tests only and therefore are not necessarily utilized by the students living in the project area. Although there is no commitment regarding whether or not the school will be built, or what type of admission

practices will be in place, a discussion of the various options and their implications to the local community should be included in the FEIS.

Public Meetings

The DEIS states that community meetings were held where local residents had the opportunity to voice their concerns for the project and where ever possible, those concerns were addressed through project modifications. The concerns raised, as well as any correlating solutions, should be included in the FEIS.

Children's Health

In addition to the further enhancement of the DEIS in the above mentioned topics relating to children's health including asthma, open space, tree planting and traffic implications on air pollution, EPA would like to emphasize that Executive Order 13045 on Children's Health and Safety directs each Federal agency, to the extent permitted by law and appropriate, to make it a high priority to identify and assess environmental health and safety risks that may disproportionately affect children, and to ensure that its policies, programs, activities, and standards address these risks. Analysis and disclosure of these potential effects under NEPA is necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to environmental health and safety risks. Children may have higher exposure levels to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their body size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. In addition, a child's neurological, immunological, digestive, and other bodily systems are also potentially more susceptible to exposure-related health effects. It has been well established that lower levels of exposure can have negative toxicological effects in children as compared to adults, and childhood exposure to contaminants can have long-term negative health effects. The DEIS did not include a dedicated section addressing Children's Health, nor was the relevant information sufficiently included throughout the document. A dedicated Children's Health section should be included in the FEIS and the evaluation included should be of greater scope and detail than that which was included in the DEIS.

Supplemental EIS for Significant Impacts

The DEIS has a number of significant components that have not been finalized such as whether or not a school will be built on the Astoria House campus and whether or not Building 8 will be built. Since both actions are significant in size and potential impact, EPA encourages the applicant to create a supplemental EIS when and if those projects or any other related project that is part of the Halletts Point Large Scale Development Area that may have significant impacts, come to fruition.

RATING

Thank you for the opportunity to comment on the DEIS for the Halletts Point Rezoning. EPA rates the DEIS an EC-2 or "Environmental Concerns -2." Our comments on the DEIS contained in this letter are intended to help the City Planning Commission and NYCHA provide useful information that will

ultimately inform local, state and federal decision-making and review related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,

A handwritten signature in cursive script, reading "Judy-Ann Mitchell".

Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
Clean Air and Sustainability Division